

REMARKS

Claims 40 and 53-60 were pending in the present application at the time of the Office Action.

Claims 53-60 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,168,271 to Hoff ("*Hoff*").

Claim 40 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoff in view of U.S. Patent No. 5,029,183 to Tymes ("*Tymes*").

The present amendment adds new claims 61-68.

For at least the reasons stated below, the Applicants respectfully traverse the above rejections and submit that all pending claims are allowable.

Rejections under 35 U.S.C. § 102

Claims 53-60 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Hoff. The Applicants respectfully traverse such rejections.

MPEP § 2131 states that to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Regarding claim 53, such claim states "a wireless transceiver operable to communicate with a base station that periodically transmits, at defined intervals, information packets comprising information indicating pending messages".

The Office Action, at § 2, states that Hoff teaches "a wireless transceiver operable to communicate with a base station that periodically transmits, at defined intervals (*note that Hoff's "defined intervals" are the duration of each time slot within a frame, see for example figures 5A-D, column 21, lines 60-62*), information packets comprising information indicating pending messages (*note that Hoff teaches information packets comprising information indicating that there are additional packets in a message chain see for example figure 5D, column 22, lines 50-65*)". The Applicants respectfully disagree with this characterization of Hoff.

For example, the Office Action states that *Hoff*'s "defined intervals" are the duration of each time slot within a frame. For the sake of argument only, if this is true, then by the language of claim 53, *Hoff*'s base station must "periodically transmit [at each time slot within a frame] information packets comprising information indicating pending messages." However, as illustrated in *Hoff* (e.g., at FIG. 5D), each time slot within a frame does not contain information packets comprising information indicating pending messages. Such information is, at best, sporadic. For the sake of argument only, referring to FIG. 5D, even if the information in subframe 0 time slot 18 (indicating end-of-message #1 with three more chains to follow) is indicative of a pending message, such information is not provided "at each time slot within a frame" of *Hoff*, as indicated in the Office Action. Thus, for at least this reason, the Applicants submit that claim 53 is allowable over *Hoff*.

Turning next to claim 54, similar to claim 53, such claim states "a wireless transceiver operable to communicate with a base station that periodically transmits, at defined intervals, information packets comprising information indicating pending messages". Thus, for at least reasons generally similar to those discussed previously with regard to claim 53, where applicable, the Applicants submit that claim 54 is allowable over *Hoff*.

Additionally, claim 54, as currently amended, states "at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients". Even if, for the sake of argument only, *Hoff*'s occasional indications that there are additional packets in a chain show "periodically transmits, at defined intervals, information packets comprising information indicating pending messages", such additional packet indications do not show "at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients". Accordingly, for at least this additional reason, the Applicants submit that claim 54 is allowable over *Hoff*.

Turning next to claim 55, such claim shares various characteristics with claim 53. Accordingly, for at least reasons generally analogous to those discussed previously with regard to claim 53, where applicable, the Applicants submit that claim 55 is allowable over *Hoff*.

Turning next to claim 56, such claim, as currently amended, shares various characteristics with claim 54. Accordingly, for at least reasons generally analogous to those discussed

previously with regard to claim 54, where applicable, the Applicants submit that claim 56 is allowable over *Hoff*.

Turning next to claim 57, such claim shares various characteristics with claim 53. Accordingly, for at least reasons generally analogous to those discussed previously with regard to claim 53, where applicable, the Applicants submit that claim 57 is allowable over *Hoff*.

Turning next to claims 58-60, such claims, as currently amended, share various characteristics with claim 54. Accordingly, for at least reasons generally analogous to those discussed previously with regard to claim 54, where applicable, the Applicants submit that claims 58-60 are allowable over *Hoff*.

Rejection under 35 U.S.C. § 103

Claim 40 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hoff* in view of *Tymes*. The Applicants respectfully traverse such rejection.

MPEP § 2142 states that in order for a *prima facie* case of obviousness to be established, three basic criteria must be met, one of which is that the reference or combination of references must teach or suggest all of the claim limitations. MPEP § 2143.03 states that to establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 40, as currently amended, states “a plurality of base stations that transmit information packets periodically at each of defined intervals, at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients”. As discussed previously with regard to claim 54, *Hoff* does not show “at least one of the transmitted information packets comprising information indicating respective pending messages for a plurality of recipients.” In addition, the Applicants have been unable to find any indication that *Tymes* makes up for this deficiency of *Hoff*. Thus, for at least this reason, the Applicants submit that claim 40 is allowable over *Hoff* and *Tymes*, individually or in combination.

New Claims

The present amendment adds new claims 61-68. The Applicants submit that each of such new claims is allowable over *Hoff* and/or *Tymes*.

For example and without limitation, claim 61 states that the control circuitry operates to, at least “deactivate at least a portion of the wireless communication circuitry for a plurality of regular intervals, where at each of the plurality of regular intervals a base station transmits a first type of information packet comprising information indicating pending messages”. The Applicants submit that *Hoff* does not show the transmission by a base station at regular intervals of a first type of information packet comprising information indicating pending messages nor deactivation of at least a portion of wireless communication circuitry for a plurality of such regular intervals. Also, *Tymes* does not appear to make up for this deficiency of *Hoff*. For at least these reasons, the Applicants submit that claim 61 is allowable over *Hoff* and/or *Tymes*, as are all claims depending therefrom, including claims 62-68. The Applicants also submit that each of dependent claims 62-68 is independently allowable.

Final Matters

The Office Action includes various statements regarding pending claims 40 and 53-60, *Hoff*, *Tymes*, 35 U.S.C. §§ 102-103 and one of skill in the art that are now moot in view of the previous discussion. Accordingly, the Applicants will not address all of such statements at the present time. The Applicants neither agree or disagree with such statements and expressly reserve the right to challenge any or all of such statements in the future should the need arise, for example if such statements should become relevant by appearing in a future rejection of any claim.

Summary

In summary, for at least the aforementioned reasons, the Applicants submit that all pending claims are in condition for allowance. Accordingly, the Applicants courteously solicit a Notice of Allowability with respect to all pending claims. The Applicants take this opportunity to respectfully request an Examiner Interview to discuss the pending claims and the present response. In particular, the Applicants request such an Examiner Interview prior to any final rejection of the pending claims. The Applicants invite the Examiner to contact the undersigned at 312-775-8000 to arrange such an interview at the Examiner's convenience. Additionally, if the Examiner has any further questions, the Applicants invite the Examiner to contact the undersigned to discuss such questions.

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The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: Nov. 9, 2007

Respectfully submitted,

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